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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,561	02/27/2004	Jeremy Daniel Vanselous	Solectron 734	9107
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Robert Moll 1173 St. Charles Court Los Altos, CA 94024			EXAMINER CASCA, FRED A	
			ART UNIT 2687	PAPER NUMBER
DATE MAILED: 10/19/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/788,561

Applicant(s)

VANSELOUS, JEREMY DANIEL

Examiner

Fred A. Casca

Art Unit

2687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/10/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-4, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Perala (U.S. Patent No. 5,828,750).

Referring to claim 1, Perala discloses a secured wireless handset (abstract, “handset stays securely”), comprising:

a wireless handset (abstract and col. 1, lines 28-45);

a cradle for holding the wireless handset (abstract and col. 1, lines 28-45, “rack”);

a first attachment to secure the wireless handset to the cradle (col. 1, lines 28-45, “lock”); and

a second attachment to secure the cradle to a communication site (col. 1, lines 28-65, “rack can be attached by its rear side to the dashboard”).

Referring to claim 3, Perala discloses the secured wireless handset of claim 1, wherein the wireless handset includes a removable battery cover and the first attachment is secured to the internal surface of the removable battery cover (fig. 1-4, and col. 1, lines 28-65).

Referring to claim 4, Perala discloses the secured wireless handset of claim 1, wherein the wireless handset includes a removable battery cover or battery and the first attachment is secured to the external surface of the removable battery cover or battery (fig. 1-4, and col. 1, lines 28-65).

Regarding claim 11, Peralá discloses the secured wireless handset of claim 1, wherein the second attachment includes the cradle vehicle installation hardware (Peralá, col. 1, lines 10-45).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peralá (U.S. Patent No. 5,828,750), in view of Ryczek (U.S. Patent No. 6,659,382 B2).

Referring to claim 2, Peralá does not disclose the wireless handset is a cell phone.

Ryczek discloses cell phones secured in a rack (figs. 1-4, and col. 1, lines 15-30)

It would have been obvious to one of the ordinary skill in the art to incorporate the teachings of Ryczek into that of Peralá for the purpose of allowing the user to secure his/her cell phone in a cradle while driving.

Regarding claim 9, the combination of Peralá/Ryczek disclose the secured wireless handset of claim 2, wherein the cradle uses a latch to secure the wireless handset onto the cradle, wherein the first attachment obstructs the latch to secure the wireless handset to the cradle (Peralá, col. 1, lines 30-40).

Referring to claim 10, the combination of Peralá/Ryczek discloses the secured wireless handset of claim 9, wherein the first attachment includes a security block to obstruct the

Art Unit: 2687

movement of the latch, wherein the latch releases by the removal of the security block (Perala, col. 1, lines 30-65).

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perala (U.S. Patent No. 5,828,750), in view of Ryczek (U.S. Patent No. 6,659,382 B2), and further in view of Curley, Jr, et al (U.S. Pub. No. 2003/0152442 A1).

Referring to claim 8, the combination of Perala/Ryczek disclose the secured wireless handset of claim 2.

The combination of Perala/Ryczek does not disclose the first attachment includes a T-nut secured on the back of the wireless handset, a through hole in the cradle, a threaded bolt threaded through the through hole in the cradle into the T-nut to secure the wireless handset to the cradle.

Curley discloses that a T-nut fastener is used to bolt down materials (abstract, and paragraphs 003, 0026, "T-nut").

It would have been to one of the ordinary skill in the art at the time of invention to modify the system of Perala/Ryczek by incorporating the teachings of Curley into that of Perala/Ryczek, for the purpose of the making a strong attachment.

6. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perala (U.S. Patent No. 5,828,750), in view of Curley, Jr, et al (U.S. Pub. No. 2003/0152442 A1).

Referring to claim 5, Perala discloses the secured wireless handset of claim 1.

Perala does not specifically disclose the first attachment includes a T-nut and a matching threaded bolt.

Curley discloses that a T-nut fastener is used to bolt down materials (abstract, and paragraphs 003, 0026, "T-nut").

It would have been to one of the ordinary skill in the art at the time of invention to modify the handset of Perala by incorporating the teachings of Curley into that of Perala, for the purpose of the making a strong attachment.

Referring to claim 7, the combination of Perala/Curley disclose the secured wireless handset of claim 5.

The combination of Perala/Curley does not specifically describe the first attachment includes a first through hole in the cradle, a second through hole in the battery cover, wherein the barrel of the T-nut is inserted through the second through hole and held onto the internal surface of the battery cover, wherein a threaded bolt threads into the T-nut to secure the wireless handset to the cradle. The combination of Perala/Curley teaches the secure attachments of the cradle and the handset utilizing the T-nuts and latches.

It would have been obvious design choice to modify the system of Perala/Curley by allowing the first attachment to include a first through hole in the cradle, a second through hole in the battery cover, wherein the barrel of the T-nut is inserted through the second through hole and held onto the internal surface of the battery cover, wherein a threaded bolt threads into the T-nut to secure the wireless handset to the cradle, since the applicant has not disclosed that having the specific holes solves any stated problems or is for any particular purpose.

Art Unit: 2687

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perala (U.S. Patent No. 5,828,750), in view of Curley, Jr, et al (U.S. Pub. No. 2003/0152442 A1), and further in view of Kfoury (U.S. Patent No. 6397046 B1).

Regarding claim 6, the combination of Perala/Curley disclose the secured wireless handset of claim 5.

The combination of Perala/Curley does not disclose the use of adhesive materials to secure the T-nut to the wireless handset.

Kfoury disclose the use of adhesive materials to secure the T-nut to devices (col. 2, lines 9-21).

It would have been to one of the ordinary skill in the art at the time of invention to modify the handset of Perala/Curley by incorporating the teachings of Kfoury into that of Perala/Curley, for the purpose of the making a strong attachment.

8. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perala (U.S. Patent No. 5,828,750), in view of Holmes et al (U.S. Patent No. 6,636,749 B2).

Regarding claim 12, Perala discloses the secured wireless handset of claim 1.

Perala does not specifically disclose the designated communication site is at a vehicle, a boat, and fixed housing.

Holmes discloses the designated communication site is at a vehicle, a boat, and fixed housing (col. 3, line 65 through col. 4, line 40).

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the system of Peralá by incorporating the teachings of Holmes into that of Peralá, for the purpose of allowing the user to secure his/her handset at a boat, in a car or at home.

9. Claims 13, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peralá (U.S. Patent No. 5,828,750), in view of Peiker (U.S. Patent No. 6,269,258 B1).

Referring to claim 13, Peralá discloses a method of securing a wireless handset to a communication site (abstract, "handset stays securely"), comprising; securing a wireless handset to a cradle through a first attachment so that the wireless handset is not freely removable from the cradle without disassembling the first attachment between the wireless handset and the cradle (col. 1, lines 28-45, "rack", "lock", "latch", "removed . . . only when the locking is released").

Peralá further discloses that the rack (cradle) is attached by its rear side to the dashboard of a car (col.1, lines 60-67).

Peralá does not specifically disclose securing the cradle to the communication site through a second attachment so that the cradle is not freely removable from the communication site without disassembling the second attachment from the communication site.

In the same field of endeavor, Peiker discloses the cradle to the communication site so that the cradle is not freely removable from the communication site without disassembling the second attachment from the communication site (abstract, and col. 1, lines 9-65, "holder . . .

Art Unit: 2687

screwed to the side wall", note that the only way to remove the holder would be to disassemble it by taking the screw out).

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the method of Peralá by incorporating the teachings of Peiker into that of Peralá, for the purpose of securing the cradle into the communication site so that it does not get displaced easily.

Regarding claim 17, the combination of Peralá/Peiker disclose the method of claim 13, wherein the second attachment includes using the cradle vehicle installation hardware (Peralá, col. 1, lines 10-45).

Regarding claim 18, the combination of Peralá/Peiker disclose the method of claim 13, wherein the securing of the wireless handset to the cradle through the first attachment includes using a latch on the cradle to secure the wireless handset onto the cradle and obstructing the release mechanism of the latch (Peralá, col. 1, lines 30-65).

Regarding claim 19, the combination of Peralá/Peiker disclose the method of claim 18, wherein the obstructing of the release mechanism of the latch includes inserting a security block into an opening adjacent to the latch to obstruct the movement of the latch (Peralá, col. 1, lines 30-65).

Art Unit: 2687

10. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perala (U.S. Patent No. 5,828,750), in view of Peiker (U.S. Patent No. 6,269,258 B1), and further in view of Curley (U.S. Pub. No. 2003/0152442 A1).

Regarding claim 14, the combination of Perala/Peiker disclose the method of claim 13.

The combination of Perala/Peiker does not disclose securing of the wireless handset to the cradle through the first attachment includes securing a T-nut to the wireless handset and threading a threaded bolt into the T-nut.

Curley discloses that a T-nut fastener is used to bolt down materials (abstract, and paragraphs 003, 0026, "T-nut").

It would have been to one of the ordinary skill in the art at the time of invention to modify the method of Perala/Peiker by incorporating the teachings of Curley into that of Perala/Peiker, for the purpose of the making a strong attachment.

Regarding claim 15, the combination of Perala/Peiker disclose the method of claim 13.

The combination of Perala/Peiker does not specifically disclose the securing of the wireless handset to the cradle through the first attachment includes drilling a first through hole in the cradle, drilling a second through hole in the battery cover, inserting the barrel of a T-nut through the second through hole and securing the T-nut onto the internal surface of the battery cover, and threading a threaded bolt through the first through hole into the T-nut.

Curley discloses that a T-nut fastener is used to bolt down materials (abstract, and paragraphs 003, 0026, "T-nut").

It would have been to one of the ordinary skill in the art at the time of invention to modify the method of Peralá/Peiker by incorporating the teachings of Curley into that of Peralá/Peiker, and therefore allowing the method of Peralá/Peiker to secure the wireless handset to the cradle through the first attachment includes drilling a first through hole in the cradle, drilling a second through hole in the battery cover, inserting the barrel of a T-nut through the second through hole and securing the T-nut onto the internal surface of the battery cover, and threading a threaded bolt through the first through hole into the T-nut, for the purpose of the making a strong attachment.

Regarding claim 16, the combination of Peralá/Peiker disclose the method of claim 13.

The combination of Peralá/Peiker does not disclose the securing of the wireless handset to the cradle through the first attachment includes drilling a first through hole in the cradle, securing the T-nut onto the external surface of the battery cover or battery, and threading a threaded bolt through the first through hole into the T-nut.

Curley discloses that a T-nut fastener is used to bolt down materials (abstract, and paragraphs 003, 0026, "T-nut").

It would have been to one of the ordinary skill in the art at the time of invention to modify the method of Peralá/Peiker by incorporating the teachings of Curley into that of Peralá/Peiker, and therefore allowing the method of Peralá/Peiker securing of the wireless handset to the cradle through the first attachment includes drilling a first through hole in the cradle, securing the T-nut onto the external surface of the battery cover or battery, and threading a threaded bolt through the first through hole into the T-nut, for the purpose of the making a strong attachment.

Art Unit: 2687

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Marvin U.S. Patent No. 5,491,194 B2 discloses a mobile telephone holder for a vehicle.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred A. Casca whose telephone number is (571) 272-7918. The examiner can normally be reached on Monday through Friday from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid, can be reached at (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


10/17/05
LESTER G. KINCAID
SUPERVISORY PRIMARY EXAMINER